International Criminal Court ICC-ASP/1/6

Assembly of States Parties

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Election of the Prosecutor of the International Criminal Court

Note by the Secretariat

1. Under the terms of article 42, paragraph 4, of the Rome Statute of the International Criminal Court, the Prosecutor of the Court is to be elected by secret ballot by an absolute majority of the members of the Assembly of States Parties, and shall hold office for a period of nine years, unless a shorter period is decided upon at the time of election. According to paragraph 3 of the same provision, the Prosecutor shall be a person of high moral character, be highly competent in and have extensive practical experience in the prosecution or trial of criminal cases, as well as having an excellent knowledge of and be fluent in at least one of the working languages of the Court.

2. The Assembly of States Parties to the Rome Statute, at its 3rd plenary meeting, on 9 September 2002, further adopted resolution ICC-ASP/1/Res.2, entitled "Procedure for the nomination and election of judges, the Prosecutor and Deputy Prosecutors of the International Criminal Court". Under the terms of paragraphs 24 and 25 of the resolution, the procedures for the nomination of candidates for judges apply mutatis mutandis to the nomination of the Prosecutor, and a preference is expressed for nominations for the post of the Prosecutor being made with the support of multiple States Parties.

3. The nomination period for the Prosecutor was opened on 9 September 2002, at which time the Bureau of the Assembly encouraged States Parties to consult informally first, before processing their official nominations for the post of the Prosecutor with the Secretariat.[1] Following the expiration of the nomination period on 30 November 2002, the period was extended to 8 December 2002. As at the closing of the extended nomination period, no nominations for the post of the Prosecutor had been received. The President of the Assembly of States Parties, in a further letter, dated 9 December 2002, announced his intention to inform the

[1] See ICC-ASP/1/3, para. 27.

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Assembly, at its resumed session to be held from 3 to 7 February 2003, of the fact that no nominations had been received, with a view to requesting it to consider, as appropriate, reopening the nomination period.